REMARKS

Claims 21-40 were pending in this application, with claims 31-40 being withdrawn from consideration. In the Office Action mailed on ("Office Action"), claims 21-30 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claims 21 and 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. App. Pub. No. 2002/0102993 to Hendrey ("*Hendrey*") in view of U.S. Pat. App. Pub. No. 2003/0229592 to Florance ("*Florance*"), further in view of U.S. Pat. App. Pub. No. 2007/0027621 to Operowsky ("*Operowsky*"). Claims 22-25 and 27-30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Hendrey*, *Florance*, and *Operowsky*, further in view of U.S. Pat. No. 5,794,210 to Goldhaber ("*Goldhaber*"). All rejections of the Office Action are respectfully traversed.

By way of the foregoing amendment, claims 21-29, 31-32, 35-37, and 40 have been amended. Following entry of this amendment, claims 21-40 will remain pending in this application. For the reasons set forth below, reconsideration and immediate allowance of this application are respectfully requested.

Request for Interview

An interview is respectfully requested to discuss the subject matter of the application and to solicit suggestions from Examiner Duran for advancing prosecution of this application. An interview is requested prior to the mailing of any further action in this case. The Examiner is respectfully urged to contact Adam J. Citrin (Reg. No. 58,617) at (678) 731-7460 to schedule an interview at Examiner Duran's earliest convenience.

Claim Rejections Under 35 U.S.C. § 101

In the Office Action, claims 21-30 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Without conceding the propriety of these rejections, it should be noted that claims 21-30 have been amended by way of the foregoing amendment. The amended claims comply with all requirements of 35 U.S.C. § 101 and are directed to statutory subject matter. As such, these rejections are now moot and should therefore be withdrawn. Notice to this effect is respectfully requested.

Claim Rejections Under 35 U.S.C. § 103

Claims 21 and 26

In the Office Action, claims 21 and 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Hendrey* in view of *Florance*, further in view of *Operowsky*. *Hendrey*, *Florance*, and/or *Operowsky* do not separately or together teach, suggest, or describe each and every recitation of claims 21 and/or 26. The particular reasons why the cited references do not teach, suggest, or describe each and every recitation of these claims are set forth below in detail.

Independent Claim 21

Claim 21 recites, *inter alia*, "sending…information about the location of the wireless communication device to a content server that provides web content to the wireless communication device… without sending the identity information." At least these recitations of claim 21 are not taught, suggested, or described by *Hendrey*, *Florance*, and/or *Operowsky*. As such, the rejection of claim 21 under 35 U.S.C. § 103 should be withdrawn and notice to this effect is respectfully requested.

The above-reproduced recitations were not addressed in the previous Office Action, as these recitations have been added to these claims by way of the foregoing amendment. In the rejection of claims 22-23 and 27-30, however, the Office relies upon *Goldhaber* as allegedly teaching, suggesting, or describing an "identity blocking option." *Office Action*, page 9 (citing *Goldhaber*, col. 6, line 55-col. 7, line 7; col. 1, line 45-col. 13, line 10). It is not conceded that the "identity blocking option" referred to in the Office Action is equivalent or analogous to the recitations of claim 21 set forth above for "sending...information about the location…without sending the identity information." In fact, the disclosures of *Goldhaber* relied upon in the *Office Action* appear to relate to maintaining confidence of a user's contact information unless the user agrees to a fee for the release of that information. *Goldhaber*, col. 6, line 65-col. 7, line 7). Maintaining contact information in confidence is not equivalent or analogous to "sending…information about the location…without sending the identity information."

First, the disclosures of *Goldhaber* relied upon in the rejection of claim 21 are not related to, and do not even mention, "sending…information about the location" as recited in claim 21. Furthermore, "contact information" as relied upon by the Office is not equivalent to the recitations of claim 21 set forth above for "identity information." First, "contact information" is

not equivalent or analogous to "identity information." In particular, one could know the identity of a user and not know contact information. Similarly, one could know identity information and not know the identity of the user. Thus, the mere disclosure in *Goldhaber* of "not sharing" one's contact information is not equivalent or analogous the recitations of claim 21 set forth above for transmitting location information "without sending the identity information."

Furthermore, the disclosure of withholding contact information is not equivalent or analogous to the recitations of claim 21 set forth above for "sending…information" without sending other information. In particular, it appears from the cited portions of *Goldhaber*, that a user can withhold the sharing of certain contact information for a fee. *Id.* After the fee is paid, the user can release his or her contact information. *Id.* As such, it appears that information associated with a user is either entirely withheld (pending payment for the information), or released after payment of a fee. *Id.* There does not appear to be any teaching, suggestion, or description in *Goldhaber* of sending some information while withholding other information. Thus, *Goldhaber* cannot reasonably be construed as reading on the above-reproduced recitations of claim 21 for "sending…information about the location of the wireless communication device to a content server that provides web content to the wireless communication device… without sending the identity information." Because the cited references do not separately or together teach, suggest, or describe at least these recitations of claim 21, the rejection thereof under 35 U.S.C. § 103 should be withdrawn Notice to this effect is respectfully requested.

Dependent Claim 26

Claim 26 depends from allowable claim 21 and therefore is allowable over *Hendrey*, *Florance*, and *Operowsky* for at least the reasons set forth above with respect to the rejection of claim 21. 35 U.S.C. § 112, fourth paragraph (2006). Additionally, claim 26 includes recitations that, in combination with the recitations of claim 21 are not taught, suggested, or described by *Hendrey*, *Florance*, and *Operowsky*. For at least these reasons, the rejection of claim 26 under 35 U.S.C. § 103 should be withdrawn and notice to this effect is respectfully requested.

Claims 22-25 and 27-30

In the Office Action, claims 22-25 and 27-30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Hendrey*, *Florance*, and *Operowsky*, further in view of *Goldhaber*.

Hendrey, *Florance*, *Operowsky*, and/or *Goldhaber* do not separately or together teach, suggest, or describe each and every recitation of claims 22-25 and/or 27-30. The particular reasons why the cited references do not teach, suggest, or describe each and every recitation of these claims are set forth below in detail.

Each of claims 22-25 and 27-30 depends from allowable claim 21 and therefore is allowable over *Hendrey*, *Florance*, and/or *Operowsky* for at least the reasons set forth above with respect to the rejection of claim 21. 35 U.S.C. § 112, fourth paragraph. There is nothing in *Goldhaber* that can cure the deficiencies of *Hendrey*, *Florance*, and/or *Operowsky* set forth above with regard to the recitations of claim 21 for "sending…information about the location of the wireless communication device to a content server that provides web content to the wireless communication device… without sending the identity information." As such, each of these claims is allowable over all of the cited references and the rejections thereof under 35 U.S.C. § 103 should therefore be withdrawn. Additionally, each of claims 22-25 and 27-30 includes recitations that, in combination with the recitations of claim 21 are not taught, suggested, or described by *Hendrey*, *Florance*, *Operowsky*, and *Goldhaber*. For at least these reasons, the rejections of claims 22-25 and 27-30 under 35 U.S.C. § 103 should be withdrawn and notice to this effect is respectfully requested.

Additionally, claim 22 recites, *inter alia*, "sending the user-specific advertisement…without including an indication of the identity of the user." At least these recitations of claim 22 are not taught, suggested, or described by *Hendrey*, *Florance*, and/or *Operowsky*. As such, the rejection of claim 22 under 35 U.S.C. § 103 should be withdrawn and notice to this effect is respectfully requested. The Office concedes that *Hendrey* does not teach, suggest, or describe the recitations of claim 22 set forth above and instead relies upon *Goldhaber*. *Office Action*, page 9 (citing *Goldhaber*, col. 6, line 55-col. 7, line 7). As explained above in detail, however, the disclosures of *Haber* relied upon in the Office Action are directed, at most, to withholding or preventing the dissemination of contact information (e.g., phone numbers of the user). As explained in detail above, the mere disclosure of not disseminating contact information is not equivalent or analogous to the recitations of claim 22 set forth above.

First, an identity is not necessarily equivalent to contact information. Thus, contact information may or may not be shared with an entity while identity information may or may not be withheld. There simply is no equivalence between the recitations of claim 22 set forth above

for "without including an indication of the identity of the user." Thus, the rejection of claim 22 under 35 U.S.C. § 103 is improper and therefore should be withdrawn. Notice to this effect is respectfully requested.

Furthermore, claim 22 also recites that it is a user-specific advertisement that can be transmitted without the identity of the user. Thus, claim 22 encompasses, *inter alia*, transmitting a user-specific advertisement without sharing information that indicates the identity of the user. At least these recitations of claim 22 are not taught, suggested, or described by the cited references. At the very least, the notion of not sharing contact information does not read on at least the above-reproduced recitations of claim 22 for a "user-specific advertisement." In fact, *Goldhaber* is unrelated to advertisements and/or providing advertisements to users, particularly where the advertisements are or are not generated based upon identity information. Certainly, the notion of withholding contact information does not read on the recitations of claim 22 encompassing obtaining user-specific ads while not sharing the user's identity. Because at least these recitations of claim 22 are not taught, suggested, or described by the cited references, the rejection of claim 22 under 35 U.S.C. § 103 should be withdrawn and notice to this effect is respectfully requested.

Claim 27 recites, *inter alia*, "accessing a second database containing user-specific preferences." At least these recitations of claim 27 are not taught, suggested, or described by *Hendrey*, *Florance*, and/or *Operowsky*. As such, the rejection of claim 27 under 35 U.S.C. § 103 should be withdrawn and notice to this effect is respectfully requested. In the rejection of claim 27, the Office does not specifically address these recitations of claim 27. *Office Action*, pages 9-10. Because these recitations of claim 27 are not addressed in the Office Action, the Office has not demonstrated a *prima facie* case of obviousness with respect to these claims and the rejection thereof under 35 U.S.C. § 103 should therefore be withdrawn for at least this reason.

Furthermore, the cited references do not separately or together teach, suggest, or describe "a second database containing user-specific preferences," let alone that such a database can be accessed in the manner recited in claim 27. In addition to the recitations of claim 27 for a "second database" not being explicitly disclosed by any of the cited references, at least these recitations of claim 27 are not taught, suggested, or described inherently or implicitly by any of the cited references. Certainly, the mere disclosure of one or more servers as mentioned in the rejection of claims 24-25 is not an enabling disclosure of a "second database" as recited in claim

27. Because the cited references do not separately or together teach, suggest, or describe at least these recitations of claim 27, the rejection thereof under 35 U.S.C. § 103 should be withdrawn and notice to this effect is respectfully requested.

CONCLUSION

In view of the foregoing amendment and remarks, it is respectfully submitted that all of the pending claims in the present application are in condition for allowance. Reconsideration and reexamination of the application and allowance of the claims at an early date is solicited. If the Examiner has any questions or comments concerning this matter, the Examiner is invited to contact the undersigned attorney at (678) 730-7460.

Respectfully submitted,

HARTMAN & CITRIN LLC

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